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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 PRISON LEGAL NEWS,

8 Plaintiff,

9 v.

10 SPOKANE COUNTY, *et al.*,

11 Defendants,

NO. CV-11-029-RHW

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13 **ORDER ON CROSS-MOTIONS
14 FOR PARTIAL SUMMARY
15 JUDGMENT, *INTER ALIA***

16 Before the Court are Motions for Partial Summary Judgment filed by both the
17 Plaintiff (ECF No. 36) and Defendants (ECF No. 40). Also pending are Plaintiff's
18 Motion to Strike and Supplement to Rule 56 (ECF No. 72) and Motion to Expedite
19 (ECF No. 76). The Court heard oral argument on June 16, 2011. Present for Plaintiff
20 were Jesse Wing and Katherine Chamberlain; Robert Binger appeared on behalf of
21 Defendants.

22 The Court determines there are material questions of fact with regard to
23 Defendants' mootness claim, and it therefore denies their Motion for Partial Summary
24 Judgment. Plaintiff may conduct limited discovery and will hold an evidentiary
25 hearing on September 1, 2011, to dispose of the issue. The Court also denies
Plaintiff's Motion for Partial Summary Judgment as to its claim for prospective relief,
and reserves ruling on the remaining claims until the parties brief the standing
question, as discussed at oral argument.

Accordingly, **IT IS HEREBY ORDERED:**

- 26 1. Defendants' Motion for Summary Judgment (ECF No. 40) is **DENIED**.
- 27 2. Plaintiff's Motion for Summary Judgment (ECF No. 36) is **DENIED** in

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**ORDER ON CROSS-MOTIONS FOR PARTIAL SUMMARY JUDGMENT,
INTER ALIA * 1**

part.

3. Plaintiff's Motion to Strike and Supplement (ECF No. 72) is **GRANTED in part and DENIED in part**. The Court will not strike Defendants' affidavits but will permit Plaintiff additional discovery. Plaintiff's Motion to Expedite (ECF No. 76) is **DENIED**, as moot.

4. The parties shall confer by June 24, 2011, regarding Plaintiff's outstanding discovery requests. The Court will tentatively set a telephonic conference on **June 30, 2011**, at **8:00 a.m.** to discuss any discovery disputes. The parties shall contact chambers prior to the hearing to inform the Court whether it is necessary.

5. Defendants shall submit their brief on the standing issue on or before **June 24, 2011**. Plaintiff shall submit its response on or before **July 1, 2011**. Any reply shall be filed on or before **July 8, 2011**.

6. A hearing shall be set for **September 1, 2011**, at **8:30 a.m.**, in Spokane, Washington. The Court will hear argument and evidence about both the mootness issue and possible damages. If either party seeks to bifurcate this hearing, it should submit a motion to the Court.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order and to provide copies to counsel.

DATED this 16th day of June, 2011.

s/Robert H. Whaley
ROBERT H. WHALEY
United States District Court